

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 15,383
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for General Assistance (GA) benefits for temporary housing. The issue is whether the petitioner qualifies for GA under the pertinent regulations. The following facts, except where specifically indicated, are not in dispute.

FINDINGS OF FACT

1. In May, 1997, the petitioner began withholding the rent for the apartment in which she and her six children were living because of repairs she felt the landlord should make.

2. The petitioner is employed, and some of her children either work part time or receive Social Security benefits. The household income is about \$2,500 a month, which is well above the ANFC payment standard for a family of seven.

3. In August, 1997, the petitioner was served with a notice to vacate the apartment when the lease expired in October.

4. At some point thereafter, the landlord obtained a writ of possession against the petitioner, which was

executed on or about February 10, 1998.

5. On February 11, 1998, the petitioner applied to the Department for GA for motel rooms for herself and her children. The Department denied the application because of its determination that the petitioner "caused" her homelessness by not saving any money from the rent payments she had withheld since May, 1997.

6. A hearing was held on February 17, 1998, at which time the petitioner stated that since her eviction she or her children had been able themselves to pay for five nights in a motel, that they had obtained one night payment from a local church, and that one night the petitioner had slept in her car while the children stayed with friends.

7. The petitioner admitted at the hearing that she was receiving another paycheck that day of between \$600 and \$700.

8. The Department represented that a local family homeless shelter was scheduled to open in a few days. The petitioner admitted that this would constitute suitable alternative temporary housing, and that if the shelter opened within a few days, she could pay for a motel until that time.

9. The hearing officer advised the petitioner to notify the Department if the shelter did not open and she ran out of money. The petitioner has not contacted the Department in this regard since that time.

ORDER

The Department's decision is affirmed.

REASONS

The GA regulations, at W.A.M. § 2600C, provide that applicants with minor children are eligible for GA only if their income in the last 30 days is "below the applicable ANFC payment level for that size household in similar living arrangements" unless the applicant has exhausted all available income and resources and is facing a "catastrophic situation" as defined by W.A.M. § 2602--i.e., is facing a court-ordered or constructive eviction "beyond the control" of the applicant.

As noted above, the petitioner's income is well in excess of the ANFC payment standard. It also appears that, except for one night, she had the means to obtain temporary shelter.

The regulations, at W.A.M. § 2613.2, also include the following provision:

Temporary housing is intended to provide short term shelter for applicants who are involuntarily without housing through circumstances in which the applicant could not reasonably have avoided the situation and for whom permanent housing or alternative arrangements are not immediately available. . . .

The Board has held that suitable homeless shelters constitute "alternative arrangements" under the above

provision. See Fair Hearing Nos. 13,380, 13,315, and 13,048.

For the above reasons, it cannot be found that suitable "alternative arrangements" are not available to the petitioner at this time. The issue of whether the petitioner could have "reasonably avoided" the loss of her last permanent housing need not be reached. Because the Department's denial of the petitioner's application for GA for temporary housing is consistent with the regulations, it must be affirmed. 3 V.S.A. § 309(d) and Fair Hearing Rule No. 17.

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